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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SAMMIE WHITAKER,
TERRIAN J. SCOTT WHITAKER,

Petitioners,

-v-

09-MC-6003CJS
ORDER

SECRETARY, US DEPARTMENT OF HOMELAND
SECURITY; DIRECTOR, US DEPARTMENT OF
HOMELAND SECURITY, US CITIZENSHIP AND
IMMIGRATIONS SERVICES; DIRECTOR,
VERMONT SERVICE CENTER, US DEPARTMENT
OF HOMELAND SECURITY, US CITIZENSHIP
AND IMMIGRATIONS SERVICES;
ATTORNEY GENERAL OF THE UNITED STATES,
US DEPARTMENT OF JUSTICE; and
UNITED STATES ATTORNEY FOR THE WESTERN
DISTRICT OF NEW YORK;

Respondents.

Petitioners Sammie Whitaker and Terrian J. Scott Whitaker, acting *pro se*, seek relief pursuant to writ of mandamus, alleging that their application for her naturalization or adjustment of status has been unreasonably delayed, as set forth more precisely in the petition. Petitioner has paid the filing fee. Accordingly,

IT HEREBY IS ORDERED as follows:

1. Respondent shall file and serve an **answer** to the petition, no later than **March 26, 2009**. Further, the answer shall state whether any evidentiary proceeding was conducted. If any such proceeding was conducted, the Court hereby directs respondent to provide to the Court the transcript of the proceeding, together

with any record(s) of such proceeding, and such documents will be filed in the official record of this case.

Respondent also shall file and serve by the above date a **memorandum of law** addressing each of the issues raised in the petition and including citations of relevant supporting authority.

Within thirty (30) days of the date this order is served upon the custodian of the records, the Clerk of Court or any other official having custody of the records of the proceedings at issue now before this Court shall submit such records to the respondent or respondent's duly authorized representative.

If petitioners chooses to file a written response to the answer and memorandum of law, they should file the response within sixty (60) days of receipt of the answer.

Within thirty (30) days of the date this order is filed with the Clerk of Court, respondent may file a motion for a more definite statement or a motion to dismiss the petition, accompanied by appropriate exhibits which demonstrate that an answer to the petition is unnecessary. The timely filing of such motion shall extend the time for filing an answer for fourteen (14) days, but the failure of the Court to act upon the motion within that time shall not further extend the time for filing an answer.

2. The Clerk of Court shall serve a copy of the petition, together with a copy of this order, by certified mail, upon the following:

- Secretary, U.S. Department of Homeland Security, Washington, D.C. 20528;

- Director, U.S. Department of Homeland Security, U.S. Citizenship and Immigrations Services, Washington, D.C. 20528;

- Director, U.S. Department of Homeland Security, U.S. Citizenship and Immigrations Services; St. Albans Sub Office, St. Albans Office, 64 Gricebrook Road, St. Albans, VT 05478;

- Attorney General of the United States, Main Justice Building, 10th and Constitution Avenues N.W., Washington, DC 20530;

- United States Attorney for the Western District of New York, United States Attorney's Office, 620 Federal Building, 100 State Street, Rochester, NY 14614;

**PETITIONER MUST FORWARD A COPY OF ALL FUTURE PAPERS AND
CORRESPONDENCE TO THE ATTORNEY APPEARING FOR RESPONDENT.**

SO ORDERED.

S/ Michael A. Telesca

MICHAEL A. TELESCA
United States District Judge

Dated: February 11, 2009
Rochester, New York